IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1844 OF 2007

Mr.Ajay Kumar Popatlal Jain. ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.S.S.Rajguru, Adv. for the Applicant.
Mr.S.S.Pednekar, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 11th June, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.54 of 2007 of Dongri Police Station. The said case is mainly under Sections 354, 366, 368, 506(II) of IPC.

3. The complainant was 19 years old at the time of the incident. It is the case of the complainant that on 10.04.2007 at about 2:00 p.m. her girlfriend Hinal called her at Byculla railway station near Gate No.1. When the complainant

reached there, the applicant was present there. The applicant stated that he wanted to have a talk with the complainant for two minutes and he told the complainant to sit in the car. Hence the complainant sat in the car. Thereafter the applicant stated that he wanted to go to Mulund to meet his father who was admitted in Hospital. Hence the complainant went with the applicant. However instead of taking her to hospital at Mulund, the applicant took the complainant to Goa. Thereafter the complainant was confined in a hotel. The applicant told the complainant that he wanted to marry her and took her to Goa. Thereafter, from Goa the applicant and the complainant came to Chiplun. The complainant has stated that on 12.4.2007 the applicant left her at Kolad. It is further her case that the applicant took her gold chain.

4. As stated earlier, the complainant was 19 years old at the time of the incident. Even though the applicant took the complainant from Mumbai to Goa which is at distance of about 600 kms. and made her to stay in a hotel and as per her case kept her locked in one room in the hotel,

there is nothing on record to show that the complainant made any attempt to escape at any point of time or that she put up any resistance or called out or sought for any help.

5. *Prima facie* it appears that the complainant had willingly accompanied the applicant. In this view of the matter, I am inclined to grant bail to the applicant.

6. The applicant - Mr.Ajay Kumar Popatlal Jain to be released on bail in the sum of Rs.10,000/- with one or two sureties to make up the said amount. The applicant shall report to Dongri Police Station once in a month, till conclusion of the trial.

7. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)